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Attorneys for Defendant State Farm

Fire & Casualty Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

CRAIG and TERESA BARNARD, and  
BRADY BARNARD,

Plaintiffs,

vs.

STATE FARM FIRE & CASUALTY  
COMPANY,

Defendant.

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Case No.

**DEFENDANT'S NOTICE OF  
REMOVAL**

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT, DISTRICT  
OF OREGON; PLAINTIFFS, BY AND THROUGH THEIR ATTORNEYS, ROBERT  
BONAPARTE AND ARDEN SHENKER:**

Defendant State Farm Fire and Casualty Company ("State Farm") hereby gives notice that this action is removed to this Court from the Circuit Court of the State of Oregon for Clackamas County. Pursuant to 28 U.S.C. § 1441, State Farm further states as follows:

1. State Farm is a party in a civil action filed in the Circuit Court of the State of Oregon for Clackamas County, entitled *Craig and Teresa Barnard, and Brady Barnard, plaintiffs v. State Farm Fire and Casualty Company, defendant*, 17CV33209. A copy of the Summons and Complaint in that action are attached to this notice.
2. The state court action was commenced when the Complaint was filed with the clerk for the Circuit Court of the State of Oregon for Clackamas County on or about August 2, 2017. A copy of the Summons and Complaint was served on State Farm on or about August 3, 2017, and is attached hereto as Exhibit A.
3. This Removal Notice is timely under 28 USC § 1446(b), in that it is being filed within thirty days of State Farm's first receipt of the complaint. State Farm has filed a notice of intent to appear on August 7, 2017.
4. The following pleadings constitute all of the process, pleadings, and orders received by State Farm in this action up to the present time: the initial Summons and Complaint, a true copy of which is attached hereto as Exhibit A.
5. The state court action is a controversy between citizens of different states. The Complaint alleges that Plaintiffs are Oregon residents. The Complaint does not allege that State Farm is a company organized under the laws of the State of Illinois, with its principal place of business in Bloomington, Illinois. It only alleges that State Farm is authorized to transact and was transacting business in the State of Oregon. (See paragraph 2 of plaintiffs' Complaint attached hereto as Exhibit A.)
6. This is an action of a civil nature over which this court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1441(b).

7. Plaintiffs have asserted claims for Breach of Contract, Breach of Implied Covenant, Tortious Interference with Business Relationships, Negligence, Negligent Misrepresentation, Intentional Misrepresentation, Bad Faith and Unfair Dealing, Intentional Infliction of Emotional Distress, and Conversion against State Farm. Plaintiffs allege that their “Claim Amount” is \$1,500,000.00, and that they should be awarded reasonable attorney fees. Accordingly, a reasonable reading of the value of the rights being litigated exceeds, exclusive of interest and costs, the jurisdictional limit of \$75,000.00 under 28 U.S.C. § 1332(a).
8. Defendant is concurrently filing this Notice of Removal with the clerk of the Circuit Court for Clackamas County, Oregon, and providing written notice thereof to Plaintiff, in accordance with 28 U.S.C. § 1446(d).

DATED this 28<sup>th</sup> day of August, 2017.

/s/ Ralph C. Spooner  
RALPH C. SPOONER, OSB# 73288  
Spooners & Much, P.C.  
Attorneys for Defendant State Farm Fire &  
Casualty Company  
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Fax: (503) 588-5899

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **DEFENDANT'S NOTICE**

**OF REMOVAL** to the following:

Robert E. L. Bonaparte, OSB# 883411  
Arden E. Shenker, OSB# 620826  
Shenker & Bonaparte LLP  
1500 SW 1st Ave., Ste. 765  
Portland, OR 97201  
Fax: 503 323-7360  
Email addresses: bob@bb-law.net  
ashenker@ashenkeresq.com

Trial Court Clerk  
Clackamas County Courthouse  
807 Main Street  
Oregon City, OR 97045

- ☒ by serving a copy to attorneys and Trial Court Clerk through Odyssey File & Serve;
- ☐ by emailing a copy to said attorney at the above email address with consent of counsel;
- ☒ by mailing a copy in a sealed, first-class, postage prepaid envelope, addressed to said attorneys at the above address and deposited in the U.S. Mail;
- ☒ by serving correct copies thereof, certified by me as such, to attorneys via the United States District Court for the District of Oregon's CM/ECF filing system.

DATED this 28<sup>th</sup> day of August, 2017.

/s/ Ralph C. Spooner  
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Spooners & Much, P.C.  
Attorneys for Defendant State Farm  
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